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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,565	07/07/2000	Nobuhiko Maki	35.C14627	9229

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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/17/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/612,565

Applicant(s)

MAKI ET AL.

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 7, 8, 11, 13, 21, 22, 29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8, 11, 13, 21, 22, 29 and 31-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. Examiner notes that Claims 3, 5, 6, 9, 10, 12, 14-20, 23-28 and 30 have been cancelled, Claims 1, 2, 4, 7, 8, 11, 13, 21, 22 and 29 have been amended and new Claims 31-38 have been added. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 29 October 2003.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Newly amended Claims 1, 2, 4, 7, 8, 11, 13, 21, 22 and 29 are further rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,460,030 B1 to Ludtke.

4. Regarding newly amended Claims 1, 7, 21 and 29, Ludtke discloses a network system comprising a sever, a client and a device, (Abstract; Fig. 5A-5D; Col. 1, lines 64-67; Col. 2, lines 1-2; and Col. 12, lines 1-47);

- said server comprising: first storage means for storing hierarchical position information indicating the position of said device in a hierarchical

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manner, (Col. 12, lines 1-47 – (command structure); Col. 21, lines 60-67; and Col. 22, lines 1-44);

- first transmission unit, for transmission of hierarchical position information stored by first storage unit to said client via the network, (Col. 12, lines 1-47 – (command structure));
- said device comprising: second storage means for storing icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47 – (descriptive data); Col. 21, lines 60-67; Col. 22, lines 1-44);
- control means for transmitting said icon data to said client via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47 - (command structure and descriptive data) );
- said client comprising: a first reception unit, adapted to receive the hierarchical position information transmitted by the first transmission unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure));
- a second transmission unit, adapted to transmit a request to a device corresponding to the hierarchical position information received by the first reception unit so as to acquire the icon data stored in the second storage unit from the device via the network, (Fig. 5D and Col. 12, lines 1-47 - (command structure and descriptive data));
- a second reception unit, adapted to receive the icon data transmitted by the control unit via the network, (Fig. 5D and Col. 12, lines 1-47 - (descriptive data)); and

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- display means for displaying the icon indicated by the icon data received by the second reception unit based on the received hierarchical position information, (Col. 2, lines 2-30; Fig. 5D; Col. 12, lines 1-67 - (command structure and descriptive data); and Col. 13, lines 1-5).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly amended Claims 1, 7, 21 and 29.

5. Regarding newly amended Claims 2, 8, and 22, Ludtke discloses a network system with a client further comprising: a third storage means for storing map data corresponding to said hierarchical position information, wherein the display means selects the map data from the third storage means based on the received hierarchical position information, and displays the icon in accordance with the selected map data, (Col. 2, lines 2-30; Col. 9, lines 66-67; and Col. 10, lines 1-5; Fig. 5D and Col. 12, lines 1-47). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly amended Claims 2, 8 and 22.

6. Regarding newly amended Claim 4, Ludtke discloses a network system wherein the device comprises a judgment unit, adapted to judge the status of a device, the second storage unit stores a plurality of icon data each of which corresponds to the status of said device status, and said control unit selects the icon data in accordance with the judged status from the plurality of stored icon data and transmits the selected icon data to client, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Therefore, this reference may

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reasonably be read to teach or describe every element or claim limitation of newly amended Claim 4.

7. Regarding newly amended Claims 11 and 13, Ludtke discloses a device for processing a job requested via a network, comprising:

- first storage means for storing hierarchical position information indicating the position of said device in a plurality of hierarchical layers, (Col. 12, lines 1-47; Col. 21, lines 60-67; and Col. 22, lines 1-44);
- second storage means for storing a plurality of icon data indicating the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67; Col. 22, lines 1-44);
- a judgment unit, adapted to judge the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44).
- a selection unit, adapted to select icon data from among the plurality of icon data stored in said second storage unit in accordance with the status judges by said judgment unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44); and
- control unit adapted to transmit the icon data selected by said selection unit via the network, (Col. 4, lines 40-54 and Col. 12, lines 1-47), in response to a request from another device on the network, (per pending newly amended Claim 13), (Col. 21, lines 60-67 and Col. 22, lines 1-44).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly amended Claims 11 and 13.

8. Newly added Claims 31-38 are also rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,460,030 B1 to Ludtke.

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9. Regarding newly added Claims 31 and 35, Ludtke discloses a system and method wherein the client further comprises a processor unit adapted to process the received hierarchical position information to identify a device corresponding to the received hierarchical position information, and wherein the second transmission unit transmits the request to the identified device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly added Claims 31 and 35.

10. Regarding newly added Claims 32 and 36, Ludtke discloses a system and method wherein the hierarchical position information indicates at least two areas in which the device is located, one of the at least two areas being included within another of the at least two areas, (Col. 2, lines 15-30; Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly added Claims 32 and 36.

11. Regarding newly added Claims 33 and 37, Ludtke discloses a system and method wherein said client further comprises a third transmission unit adapted to transmit a request to a device corresponding to the received hierarchical position information so as to acquire a status of the device, and wherein the second reception unit receives the icon data corresponding to the status of the device, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly added Claims 33 and 37.

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12. Regarding newly added Claims 34 and 38, Ludtke discloses a system and network wherein said client further comprises a third transmission unit adapted to transmit a request to said server so as to search for a desired device, and wherein the first reception unit receives the hierarchical position information as a response to the request transmitted by the third transmission unit, (Fig. 5D; Col. 12, lines 1-47; Col. 21, lines 60-67 and Col. 22, lines 1-44). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of newly added Claims 34 and 38.

### ***Response to Arguments***

13. Applicant's arguments filed 29 January 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

14. In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a server, a client and a device") are not recited in the originally rejected claim(s) as enumerated within the prior Office Action dated 29 October 2003. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, newly



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amended Claims 1, 2, 4, 7, 8, 11, 13, 21, 22 and 29 are further rejected in their entirety as noted herein above.

15. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how Applicant's amendment avoids such references or objections, Examiner hereby maintains the original rejection of all claims in their entirety. Examiner has addressed Applicant's amendment, and has further rejected newly amended Claims 1, 2, 4, 7, 8, 11, 13, 21, 22 and 29 in addition to newly added Claims 31-38, as noted herein above.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703)-305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML

  
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